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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,738	09/28/2001	Michael Soemo	2001P18038US	3567

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Siemens Corporation
Intellectual Property Department
186 Wood Avenue South
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EXAMINER

REID, CHERYL M

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N .	Applicant(s)	
	09/966,738	SOEMO ET AL.	
	Examin r	Art Unit	
	Cheryl M. Reid	2142	

-- The MAILING DATE f this communication appears n the c ver sheet with the c rrespondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claim 30 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim, or amend the claim to place the claim in proper dependent form, or rewrite the claim in independent form. It should be noted that Claim 30 is identical to claim 29.

Double Patenting

2. Claims 1, 5, and 26 provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1, 8 and 20 of copending Application No. 09966738. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-2, 3-5,8,10-13,15-16, 18-22,25, 27-34, 36-39, 40-43, and 45-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Hite.

Claim 1

Hite teaches about a plurality of predefined messages transmitted between the application controller and the applications for instructing the application controller to perform a function relating to a select system point and for reporting to the applications in response to said instruction (Col 3, lines 25-32, 42-46, Col 5, lines 20-36); a message identification field for identifying a select message from said plurality of messages (Col 12, lines 25-30); and a protocol identification field for identifying said select message as being transmitted via said proprietary communication protocol (Col 11, lines 40-45). Examiner is using the definition of a system point as anything that is an attribute, value or is an element because this gives the broadest reason of interpretation.

Claim 2

- Hite teaches about a proprietary communication protocol embedded into a communication protocol of the control network (Col 51, lines 14-20).

Claim 3

- Hite teaches about a system point identification field for identifying the select system point (Col 4, lines 10-20).

Claim 4

- Hite teaches about a system point identification field that is a point unique identification (PUID) field for identifying the select system point by a unique identification number that is assigned to the select system point (Col 7, lines 15-18).

Claim 5

- Hite teaches about a system point identification field that is a name identification field for identifying the select system point by a user-defined name that is assigned to the select system point (Col 4, lines 10-15).

Claim 8

- Hite teaches about a transaction identification field for uniquely identifying said select message from the plurality of predefined messages (Col 7, lines 40-45, Col 8, lines 49-51).

Claim 10 and 34

- Hite teaches about a field for indicating at least one element value of the select system point (Col 13, 15).

Claim 11

- Hite teaches about a field for determining a format for displaying said element values (Col 15).

Claim 12

- Hite teaches about a notification field for indicating at least one type of changes in the data relating to the select system point for which at least one of the applications desires subscription (Col 34, lines 60-67).

Claim 13 and 19

- Hite teaches about a change of value (Col 13), a change of state and a change of quality relating to the select system point (Col 17).

Claim 15 and 32

- Hite teaches about a message that refers to the select system point via a unique identification number associated with the system point (Col 7, lines 10-15).

Claim 16 and 33

- Hite teaches about a message that refers to the select system point via a user-defined name that is assigned to the select system point (Col 4, lines 10-15).

Claim 18

- Hite teaches about a message transmitted from the applications to the application controller for subscribing for changes in the data relating to the select system point (Col 33, lines 39-40).

Claim 20

- Hite teaches about a message transmitted from the applications to the application controller for unsubscribing for changes in the data relating to the select system point (Col 35, lines 25-26).

Claim 21

- Hite teaches about a message transmitted from the application controller to the applications reporting of said changes in the data relating to the select system point in response to said subscription message transmitted from the applications (Col 34, lines 25-27).

Claim 22

- Hite teaches about a message transmitted from the applications to the application controller for overriding or writing new values in the data relating to the select system point (Col 34, lines 60-62).

Claim 25

- Hite teaches about a message transmitted from the applications to the application controller for requesting query of the data relating to at least one of the system points for specified information (Col 12, lines 51-55, Col 2, lines 55-60).

Claim 27

- Hite teaches about a query message that requests a report on all system points that conforms to a specified quality (Col 13, lines 55-60).

Claim 28

- Hite teaches about a query message that requests a report on all system points that a status of at least one node of the control network (Col 13, lines 10-40).

Claim 29 and 30

- Hite teaches about a message transmitted from the applications to the application controller for canceling a previously transmitted message (Col 43, lines 34-45).

Claim 31

- Hite teaches about a message transmitted from the applications to the application controller for instructing the application controller to query all of the data variables in the network operatively connected to the application controller to determine if any of the data variables have been overridden (Col 21, lines 50-60).

Claim 36 and 37

- Hite teaches about the data relating to the system points that are stored in a database of the application controller and database stores user-defined data relating to the system points (Col 9, lines 25-30).

Claim 38

- Hite teaches that the database stores a unique identification value of the corresponding data variables in the network (Col 9, lines 25-30, Col 12, lines 25-28).

Claim 39

- Hite teaches that the database includes field for storing an address of the corresponding data variables in the network (Col 9, lines 25-30, Fig 13).

Claim 40

- Hite teaches about predefined messages transmitted between the application controller and the applications for instructing the application controller to report an event that occurs in the applications and the device controllers, and for reporting to the applications in response to said instruction (Col 44, lines 65-68, Col 3, lines 25-32; a message identification field for identifying a select message from said plurality of messages (Col 12, lines 25-30); and, a protocol identification field for identifying said select message as being transmitted via said proprietary communication protocol (Col 11, lines 40-45).

Claim 41

- Hite teaches about an event identification field identifying an event (Col 12, lines 25-30) .

Claim 42

- Hite teaches of a field for indicating a time and a date in which said event has occurred (Col 43, lines 60-65).

Claim 43

- Hite teaches of messages include a message for subscribing for a failure in the applications (Col 50, lines 60-65).

Claim 45

- Hite teaches of messages include a message for reporting of said failure in one of the applications to the application controller (Col 44, lines 13-20).

Claim 46

- Hite teaches of messages include a message for reporting of said failure reported by the one of the applications to the other of the applications (Col 44, lines 13-20). It should be noted that an application can act as an application controller and vice versa (Col 2, lines 50-60).

Claim Rejections - 35 USC § 103

5. Claim 9, 14, 17 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hite.

Claim 9

- Hite does not explicitly teach about field for indicating whether said select message is a last message being transmitted from the application controller to the applications. Hite does teach about a method that allows application to know that the script is done reading (Col 56, lines 7-10). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Hite's invention by adding a field that indicated whether the message was the last message or not. This would improve Hite's invention because it would eliminate the need to send, "EndGetLayout" resulting in a faster more efficient system.

Claim 14

- Hite does not explicitly teach about a message transmitted from the applications to the application controller for inquiring whether the select system point is stored in a database of the application controller. He does teach about a message transmitted from the applications to the application controller for inquiring about various conditions (Col 43, lines 35-45, Col 50, lines 60-65) and that the select system point is stored in a database of the application controller (Col 9, lines 25-32). Adding the above feature of sending a message to inquire if the select system point is stored in a database of the application controller would have been obvious to one of

ordinary skill in the art at the time of invention because it would result in a more efficient and reliable system. It is for this reason that one of ordinary skill in the art at the time of invention would have been motivated to make the above mentioned modifications.

Claim 17

- Hite does not explicitly teach about a message transmitted from the application controller to the applications to report that the select system point is stored in a database. Hite does teach about reporting various conditions (Col 15, lines 10-30, Col 17, lines 10-30) and that the select system point is stored in a database of the application controller (Col 9, lines 25-32). One of ordinary skill in the art at the time of invention would have been motivated to make the above mentioned modifications for the same reasons discussed about in Claim 14.

Claim 44

- Hite does not explicitly teach about a message for canceling said subscription for said failure in the applications. Hite does teach about notification of failure or success (Col 35, lines 26-28) and deletion of notification list (Col 35, lines 24-25). Adding the above mentioned modification would result in a more efficient system. It is for this reason

that one of ordinary skill in the art at the time of invention would have been motivated to make the above mentioned modification.

6. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hite and further in view of Nason.

Claims 6

- Hite teaches about writing to a select system point (Col 32, lines 30-35). Hite is silent in regards to using a priority field. Nason teaches about using a priority field (Page 17, Paragraph [0099]). One of ordinary skill in the art at the time of invention would have been motivated to make the above mentioned modifications because adding the above feature would result in Hite's system being more efficient because it would only change a value based on it's importance.

Claims 7

- Hite teaches about data relating to a select system point being overridden (Col 21, lines 10-20). Hite is silent in regards to using a priority field. Nason teaches about using a priority field (Page 17, Paragraph [0099]). One of ordinary skill in the art at the time of invention would have been motivated for the same reasons discussed above in Claim 6.

7. Claims 23-24, 26, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hite as applied to claims 1, 22 and 25 above, and further in view of Albert.

Claim 23

- Hite teaches about overriding(forcing a level value change) and writing message (Col 21, lines 10-20). Hite is silent in regards to overriding based on priority value. Albert teaches about performing functions based on priority value (Col 24, lines 25-35). Adding the above mentioned feature to Hite's invention would result in a more efficient system because it would ensure that important values (values with a specified priority) would not be overwritten. It is for this reason that one of ordinary skill in the art at the time of invention would have been motivated to make the above mentioned modifications.

Claim 24

- Hite teaches about overriding(forcing a level value change) and writing message (Col 21, lines 10-20). Hite is silent in regards to overriding based on priority value (i.e allow an application having a lower priority than said priority of the data to override or write new value in the data relating to the select system point.). Albert teaches about performing functions

based on priority value (Col 24, lines 25-35). One of ordinary skill in the art at the time of invention would have been motivated to make the above mentioned modifications for the same reasons discussed about in Claim 23.

Claim 26

- Hite teaches about requesting information (i.e. report) about various conditions (Col 13, lines 45-65, Col 43, lines 35-45, Col 50, lines 60-65) and about overriding (forcing a level value change) ((Col 21, lines 10-20). He is silent in regards to priority levels. Albert teaches about performing functions based on priority value (Col 24, lines 25-35). One of ordinary skill in the art at the time of invention would have been motivated to make the above mentioned modifications for the same reasons discussed about in Claim 23.

Claim 35

- Hite is silent in regards to the system points have an assigned write priority and an override priority. Albert teaches on this aspect (Col 24, lines 25-35, Col 31, lines 45-55). One of ordinary skill in the art at the time of invention would have been motivated to make the above mentioned modifications for the same reasons discussed about in Claim 23.


Art Unit: 2142

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M. Reid whose telephone number is 571 272 3903. The examiner can normally be reached on Mon- Fri (7-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on (571)272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cmr


JACK B. HARVEY
SUPERVISORY PATENT EXAMINER

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